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Date: 12/12/07

Sean Mellino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gerd Ascher, et al.

Serial No. : 10/510,532 (Conf. No. 8872)

Filing Date : October 7, 2004

Title : USE OF PLEUROMUTILINS FOR THE
TREATMENT OF DISORDERS CAUSED BY
HELICOBACTER PYLORI

Group Art Unit : 1617

Examiner : Deirdre Renee Claytor

Attorney Docket : KS4255US (#90711)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Reply to Office Action Issued January 25, 2007

Dear Sir:

Claims 1-7 are pending in the instant application. The Examiner has concluded the present application contains claims to more than one species of the generic invention and that these species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Examiner states that currently claims 1-7 are generic to a plurality of patentably distinct species of:

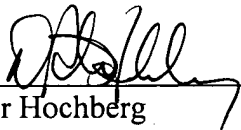
1. pleuromutilin agents; and
2. the diseases listed in claim 7.

The Examiner is requiring that the Applicants elect one pleuromutilin agent and one disease to which the claims shall be restricted if no generic claim is finally held to be allowable and to identify the claims readable on the elected species. The Applicants respectfully object to this requirement with traverse; however, hereby elect I-Valnemulin (claim 6) as the pleuromutilin agent and active chronic gastritis (claim 7) as the disease.

The Examiner is invited to call the undersigned if there are any remaining issues to be discussed which could expedite the prosecution of the present application.

Respectfully submitted,

Date: December 12, 2007

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